C.S. 1001

SINGLE BENCH PAGE No. 1

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 2200 /2006

Dr. Rishi Kumar Bhange,
S/o- Late Radha Krishan Bhange,
Aged about 49 years,
Presently working as District T.B. Control Officer,
Bilaspur, Distt. Bilaspur,
Chattisgarh.

PETITIONER

VERSUS

RECEIVED-COPY
25/4/06
CLERK to A. G. BILASPUR

2232/06
P.R. No.
Presented by Shri Pankaj Shukla
dated 25/4/06

State of Chhattisgarh,
Through- Secretary,
Department of Health & Family Welfare,
D.K.S. Bhawan, Mantralaya,
Raipur, Chhattisgarh.

2. Chief Medical and Health Officer,
Bilaspur, Distt. Bilaspur,
Chhattisgarh.

2. Dr. N. S. Chandel,
Presently working in District Hospital Bilaspur,
Distt. Bilaspur, Chhattisgarh.

RESPONDENTS

Oath Commissioner
A. PATRIKAR
BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, CERTIORARI ETC.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2200 of 2006

Petitioner: Dr. Rishi Kumar Bhange

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Pankaj Shrivastava, counsel for the petitioner.

Shri A.S. Kachwaha, Government Advocate for the respondents No. 1 and 2/State.

ORAL ORDER

(2nd May, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. This petition impugns the transfer order dated 12.4.2006 (Annexure P/1), whereby the petitioner has been transferred to T.B. Cell and posted as Deputy Director.

2. The present petition does not challenge the transfer order on the ground that the officer transferring the petitioner is not a competent officer to pass such order or the transfer order has been passed contrary to the statutory rules or regulations or the transfer has been made in exercise of malafide power. Even otherwise, in transfer matters this Court while exercising its jurisdiction under Article 226/227 of the Constitution of India has limited scope for interference. The High Court can interfere with the transfer order only in those cases, where the order has been passed by an incompetent officer and/or contrary to the statutory rules or regulations or in exercise of powers with malice. In the present case nothing has been shown, as stated above.

However, the petitioner is entitled to the transfer expenses, if the transfer order has not been passed on his request.

3. In view of what has been stated hereinabove, the petition stands disposed of. The petitioner is at liberty to make a representation to the concerned authorities and this order will not come in the way of the authority, considering the representation, in accordance with law, within a reasonable period. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu